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A bill to be entitled
 An act relating to motor vehicle weights; amending s.
 316.545, F.S.; revising penalties for violation of vehicle
 weight provisions by certain commercial motor vehicles;
 providing for disposition of moneys collected; exempting
 pickup trucks and panel trucks from certain weight
 limitation provisions; reenacting ss. 316.535(6),
 316.550(9)(a) and (d), 318.18(4), and 320.07(4)(b), F.S.,
 relating to maximum vehicle weights, operations not in
 conformity with law, special permits, civil penalties, and
 expiration of registration, to incorporate changes made by
 the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 316.545, Florida
 Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor
 fuel tax enforcement; inspection; penalty; review.--

(2)(a) Whenever an officer, upon weighing a vehicle or
 combination of vehicles with load, determines that the axle
 weight or gross weight is unlawful, the officer may require the
 driver to stop the vehicle in a suitable place and remain
 standing until a determination can be made as to the amount of
 weight thereon and, if overloaded, the amount of penalty to be
 assessed as provided herein. However, any gross weight over and
 beyond 6,000 pounds beyond the maximum herein set shall be
 unloaded and all material so unloaded shall be cared for by the

29 owner or operator of the vehicle at the risk of such owner or
 30 operator. Except as otherwise provided in this chapter, to
 31 facilitate compliance with and enforcement of the weight limits
 32 established in s. 316.535, weight tables published pursuant to
 33 s. 316.535(7) shall include a 10-percent scale tolerance and
 34 shall thereby reflect the maximum scaled weights allowed any
 35 vehicle or combination of vehicles. As used in this section,
 36 scale tolerance means the allowable deviation from legal weights
 37 established in s. 316.535. Notwithstanding any other provision
 38 of the weight law, if a vehicle or combination of vehicles does
 39 not exceed the gross, external bridge, or internal bridge weight
 40 limits imposed in s. 316.535 and the driver of such vehicle or
 41 combination of vehicles can comply with the requirements of this
 42 chapter by shifting or equalizing the load on all wheels or
 43 axles and does so when requested by the proper authority, the
 44 driver shall not be held to be operating in violation of said
 45 weight limits.

46 (b) The officer shall inspect the license plate or
 47 registration certificate of the commercial vehicle, as defined
 48 in s. 316.003(66), to determine if its gross weight is in
 49 compliance with the declared gross vehicle weight. If its gross
 50 weight exceeds the declared weight, the penalty shall be
 51 assessed according to paragraph (c) ~~5 cents per pound on the~~
 52 ~~difference between such weights~~. In those cases when the
 53 commercial vehicle, as defined in s. 316.003(66), is being
 54 operated over the highways of the state with an expired
 55 registration or with no registration from this or any other
 56 jurisdiction or is not registered under the applicable

57 provisions of chapter 320, the penalty herein shall apply on the
 58 basis of 5 cents per pound on that scaled weight which exceeds
 59 35,000 pounds on laden truck tractor-semitrailer combinations or
 60 tandem trailer truck combinations, 10,000 pounds on laden
 61 straight trucks or straight truck-trailer combinations, or
 62 10,000 pounds on any unladen commercial motor vehicle. If the
 63 license plate or registration has not been expired for more than
 64 90 days, the penalty imposed under this paragraph may not exceed
 65 \$1,000. In the case of special mobile equipment as defined in s.
 66 316.003(48), which qualifies for the license tax provided for in
 67 s. 320.08(5)(b), being operated on the highways of the state
 68 with an expired registration or otherwise not properly
 69 registered under the applicable provisions of chapter 320, a
 70 penalty of \$75 shall apply in addition to any other penalty
 71 which may apply in accordance with this chapter. A vehicle found
 72 in violation of this section may be detained until the owner or
 73 operator produces evidence that the vehicle has been properly
 74 registered. Any costs incurred by the retention of the vehicle
 75 shall be the sole responsibility of the owner. A person who has
 76 been assessed a penalty pursuant to this paragraph for failure
 77 to have a valid vehicle registration certificate pursuant to the
 78 provisions of chapter 320 is not subject to the delinquent fee
 79 authorized in s. 320.07 if such person obtains a valid
 80 registration certificate within 10 working days after such
 81 penalty was assessed.

82 (c)1. Excess weight penalties shall be as follows:

83 a. Assessed Excess Weight over the Prescribed Amount Per
 84 Permitted Pound Axle Weight Limit:

<u>Weight</u>	<u>Amount</u>
<u>4,000 pounds or less:</u>	<u>1¢ per pound</u>
<u>4,001 to 8,000 pounds:</u>	<u>10¢ per pound</u>
<u>8,001 to 12,000 pounds:</u>	<u>20¢ per pound</u>
<u>12,001 pounds or more:</u>	<u>30¢ per pound</u>

b. Assessed Excess Weight over the Prescribed Amount Per Gross Weight Pound Limits:

<u>Weight</u>	<u>Amount</u>
<u>4,000 pounds or less:</u>	<u>1¢ per pound</u>
<u>4,001 to 8,000 pounds:</u>	<u>10¢ per pound</u>
<u>8,001 to 12,000 pounds:</u>	<u>15¢ per pound</u>
<u>12,001 pounds or more:</u>	<u>20¢ per pound</u>

c. All gross permit violations shall be assessed 20¢ per pound over the permitted weight limit.

Moneys collected under this subparagraph shall be paid to the department and forwarded to the State Treasurer for deposit in the State Transportation Trust Fund to be allocated for the construction and maintenance of state highways.

2. If the gross weight of the vehicle exceeds lawful limits by at least 25 percent but no more than 50 percent, the amount of the liquidated damages shall be two times the amount provided for in this section.

3. If the gross weight of the vehicle exceeds lawful limits by more than 50 percent, the amount of the liquidated damages shall be three times the amount provided for in this section.

4.a. A second violation of prescribed weight limits within

113 a 12-month period shall incur double fines.

114 b. A third violation of prescribed weight limits within a
 115 24-month period shall incur triple fines.

116 c. A fourth violation of prescribed weight limits within a
 117 36-month period shall incur quadruple fines.

118 ~~(d)(e)~~ Weight limits established and posted for a road or
 119 bridge pursuant to s. 316.555 and weight limits specified in
 120 special permits issued pursuant to s. 316.550 shall be deemed to
 121 include all allowable tolerances. In those cases when a vehicle
 122 or combination of vehicles exceeds the weight limits established
 123 and posted for a road or bridge pursuant to s. 316.555, or
 124 exceeds the weight limits permitted in a special permit issued
 125 pursuant to s. 316.550, the penalty shall be 5 cents per pound
 126 on the difference between the scale weight of the vehicle and
 127 the weight limits for such posted road or bridge or permitted in
 128 such special permit. However, if a special permit is declared
 129 invalid in accordance with rules promulgated pursuant to s.
 130 316.550, the penalties imposed in subsection (3) shall apply to
 131 those weights which exceed the limits established in s. 316.535.

132
 133 The provisions of this subsection shall not apply to pickup
 134 trucks or panel trucks.

135 Section 2. For the purpose of incorporating the amendment
 136 to section 316.545, Florida Statutes, in a reference thereto,
 137 subsection (6) of section 316.535, Florida Statutes, is
 138 reenacted to read:

139 316.535 Maximum weights.--

140 (6) Dump trucks, concrete mixing trucks, trucks engaged in
 141 waste collection and disposal, and fuel oil and gasoline trucks
 142 designed and constructed for special type work or use, when
 143 operated as a single unit, shall be subject to all safety and
 144 operational requirements of law, except that any such vehicle
 145 need not conform to the axle spacing requirements of this
 146 section provided that such vehicle shall be limited to a total
 147 gross load, including the weight of the vehicle, of 20,000
 148 pounds per axle plus scale tolerances and shall not exceed 550
 149 pounds per inch width tire surface plus scale tolerances. No
 150 vehicle operating pursuant to this section shall exceed a gross
 151 weight, including the weight of the vehicle and scale
 152 tolerances, of 70,000 pounds. Any vehicle violating the weight
 153 provisions of this section shall be penalized as provided in s.
 154 316.545.

155 Section 3. For the purpose of incorporating the amendment
 156 to section 316.545, Florida Statutes, in references thereto,
 157 paragraphs (a) and (d) of subsection (9) of section 316.550,
 158 Florida Statutes, are reenacted to read:

159 316.550 Operations not in conformity with law; special
 160 permits.--

161 (9) Whenever any motor vehicle, or the combination of a
 162 wrecker as defined in s. 320.01(40) and a towed motor vehicle,
 163 exceeds any weight or dimensional criteria or special
 164 operational or safety stipulation contained in a special permit
 165 issued under the provisions of this section, the penalty
 166 assessed to the owner or operator shall be as follows:

167 (a) For violation of weight criteria contained in a
 168 special permit, the penalty per pound or portion thereof
 169 exceeding the permitted weight shall be as provided in s.
 170 316.545.

171 (d) For violation of any special condition that has been
 172 prescribed in the rules of the Department of Transportation and
 173 declared on the permit, the vehicle shall be determined to be
 174 out of conformance with the permit and the permit shall be
 175 declared null and void for the vehicle, and weight and
 176 dimensional limits for the vehicle shall be as established in s.
 177 316.515 or s. 316.535, whichever is applicable, and:

178 1. For weight violations, a penalty as provided in s.
 179 316.545 shall be assessed for those weights which exceed the
 180 limits thus established for the vehicle; and

181 2. For dimensional, operational, or safety violations, a
 182 penalty as established in paragraph (c) or s. 316.516, whichever
 183 is applicable, shall be assessed for each nonconforming
 184 dimensional, operational, or safety violation and the penalties
 185 for multiple violations shall be cumulative for the vehicle.

186 Section 4. For the purpose of incorporating the amendment
 187 to section 316.545, Florida Statutes, in references thereto,
 188 subsection (4) of section 318.18, Florida Statutes, is reenacted
 189 to read:

190 318.18 Amount of civil penalties.--The penalties required
 191 for a noncriminal disposition pursuant to s. 318.14 are as
 192 follows:

HB 0539

2005

193 (4) The penalty imposed under s. 316.545 shall be
194 determined by the officer in accordance with the provisions of
195 ss. 316.535 and 316.545.

196 Section 5. For the purpose of incorporating the amendment
197 to section 316.545, Florida Statutes, in references thereto,
198 paragraph (b) of subsection (4) of section 320.07, Florida
199 Statutes, is reenacted to read:

200 320.07 Expiration of registration; annual renewal
201 required; penalties.--

202 (4)

203 (b) A person who has been assessed a penalty pursuant to
204 s. 316.545(2)(b) for failure to have a valid vehicle
205 registration certificate is not subject to the delinquent fee
206 authorized by this subsection if such person obtains a valid
207 registration certificate within 10 working days after such
208 penalty was assessed. The official receipt authorized by s.
209 316.545(6) constitutes proof of payment of the penalty
210 authorized in s. 316.545(2)(b).

211 Section 6. This act shall take effect October 1, 2005.